REMARKS

Claims 21-53 are pending. Claims 21-28, 32-36, 38-41, and 43-53 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chambers et al. (U.S. Patent Application Publication 2003/0236581) in view of Suzuki et al. (U.S. Patent 6,245,982) in view of Zimmerman (U.S. Patent 6,411 ,289). Claims 29-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chambers in view of Suzuki in view of Zimmerman and further in view of Larson (U.S. Patent 5,440,756). Claim 37 is rejected under 35 U.S.C. 103(a) as being unpatentable over Chambers in view of Suzuki in view Zimmerman, and further in view of Kryuchkov et al. (U.S. Patent Application Publication 2004/0102244). Claim 42 is rejected under 35 U.S.C. 1 03(a) as being unpatentable over Chambers in view of Suzuki in view of Zimmerman and further in view of Nishitani et al. (U.S. Patent 7,161,079).

As an initial matter, Applicant would like to thank Examiner Jones for the courtesy extended to Applicant's representative, David Weiss, during the telephonic interview.

As discussed in the interview, the cited art lacks any disclosure of receiving a signal from a lighting system. In particular, Applicant notes that while Suzuki discloses lighting source information being stored in a database, Suzuki lacks any disclosure of receiving a signal from a lighting system, such as an automated lighting system (see, e.g., Suzuki, col. 2, lines 35-44; Col. 6, lines 41-58; Col. 14, lines 37-53; Col. 16, lines 21-35). Indeed, it appears that the lighting source information of Suzuki may be specified by an operator scene information creating device of Suzuki (see, e.g., Suzuki, Col. 16, lines 21-35), rather than being provided by a lighting system.

Further, with respect to the recitation of the word "light" in section 81 of Figure 9, Suzuki discloses that "desired scene components, such as background information, camera (point of view) information and light source information, are selected from the scene component database, and pasted onto the section 81 of the window 80 on the time schedule defined by beats and measures," (Suzuki, Col. 14, lines 37-49). Thus, the operator of the scene information creating device of Suzuki must manually paste such light source information obtained from a database into section 81 of the user interface of Figure 9.

Thus, for at least the foregoing reasons, the combination of Chambers, Suzuki and Zimmerman fails to disclose or suggest "automatically inserting at least one cue with respect to the audio based at least in part on a signal received from an automated lighting system used to light a live performance," as recited by dependent Claim 24. Further, for at least the foregoing reasons, the combination of Chambers, Suzuki and Zimmerman fails to disclose or suggest "wherein the signal from the automated lighting system is a spotlight-on signal, a spotlight color signal, or a spotlight position signal" as recited by dependent Claim 25, and further fails to disclose "inserting at least one cue with respect to the audio based at least in part on monitoring of stage lighting effects," as recited by dependent Claim 26.

Similarly, for at least the foregoing reasons, the combination of Chambers, Suzuki and Zimmerman fails to disclose or suggest "automatically inserting at least one cue with respect to the audio based at least in part on a signal received from an automated lighting system" as recited by dependent Claim 46, or "automatically inserting at least one cue with respect to the audio based at least in part on a signal received from an automated lighting system" as recited by dependent Claim 51.

Applicant respectfully submits that the other pending claims are patentably distinct over the cited art for at least the reasons discussed below.

Independent Claim 21

The combination of Chambers, Suzuki and Zimmerman fails to teach or suggest multiple features of claim 21, as well as the combination of features recited in claim 21.

Chambers is directed to a method for recording live performances. Suzuki, by contrast, is directed to a performance image information creating apparatus and method and a corresponding performance image information reproducing apparatus and method, capable of displaying a manner of playing a piece of music while playing the piece of music. With respect to the triangles in area 63 of FIG. 6 (which the Office Action refers to as "arrows"), and the rectangles in area 63 of FIG. 6 (which the Office Action refers to as "bars"), Suzuki discloses:

> *reference numeral 63 denotes the time schedule of a parts that is a drummer in this case, and 64 and 65 denote the motion waveform of each parts relating to the musical instrument. Each motion waveform is displayed in the form of a rectangle, and, if it contains sounding point markers, the position of each marker*

is denoted by a triangle that points to the right. In the example of FIG. 6, the parts 63 includes a stick, for example, and the positions of the sounding point markers are displayed. ...

The playback rate of a motion waveform of each parts can be changed by selecting a rectangle representing the motion waveform of the parts, and changing the length of the rectangle. For example, the playback rate may be reduced by increasing the length. The playback rate may also be automatically changed when the tempo of the piece of music in question is changed.

Thus, the arrows referred to by the Office Action are sounding point markers, while the bars referred to by the Office Action are used to control the playback tempo. Because the rectangular display area 104 of FIG. 3 of Chambers is a scrolling graphical display that factually shows the combined amplitude of the live audio signals available for recording, one could not use the sounding point markers or tempo control user interfaces of Suzuki to modify the display area 104 of FIG. 3 of Chambers, as one could not control the tempo or sounding points of the live recording of Chambers via the display area 104 (which merely displays the amplitude of live audio signals). Thus, Chambers and Suzuki cannot be combined as proposed by the Office Action.

Indeed, Chambers teaches away from the modification proposed by the Office Action. As discussed above, because Chambers teaches that the display area 104 of FIG 3 is used to display the amplitude of live audio signals, Chambers teaches away from modifying the display area 104 so that it displays tempos and sounding points that are different than those of the live audio signals.

In addition to the lack of teaching of each of the above-recited features of claim 21, the combination of Chambers, Suzuki and Zimmerman also fails to teach or suggest the combination of features recited in claim 21. Accordingly, Applicant respectfully requests reconsideration and allowance of claim 21 and any claims that depend therefrom.

Claims 44-48

In rejecting Claims 44-48, the Office Action relies on the rational for rejecting Claims 21, 22, 24, 40, and 41. Therefore, Applicant traverses the rejection of Claims 44-48 as similarly described above.

For example, the combination of Chambers, Suzuki and Zimmerman fails to disclose or suggest the following features of Claim 44:

A tangible, non-transitory computer-readable medium having computer-executable instructions stored thereon that, if executed by a computing device, cause the computing device to perform operations comprising:

providing for display on a user editing system an interactive user interface, the interactive user interface including:

an audio waveform corresponding to digital samples of audio over time;

time information displayed in association with the audio waveform;

a cue insertion interface that enables a user to insert a cue at one or more locations with respect to the audio waveform,

wherein the cue is configured to cause a modification with respect to the abstract visual presentation in synchronization with the audio presentation when the audio presentation is audibly played back, with the abstract visual presentation, via a playback device associated with a viewer of the abstract visual presentation, wherein the viewer playback device is separate from the editing system;

receiving a first signal from a user input device to designate a cue at a first location with respect to the audio waveform; and

storing the designated cue in computer readable memory.

Accordingly, Applicant respectfully requests reconsideration and allowance of Claim 44 and any claims that depend therefrom.

Claims 49-53

In rejecting Claims 49-53, the Office Action relies on the rational for rejecting Claims 21, 22, 24, 40, and 41. Therefore, Applicant traverses the rejection of Claims 49-53 as similarly described above. For example, the combination of Chambers, Suzuki and Zimmerman fails to disclose or suggest the following features of Claim 49:

An apparatus for providing an audio presentation, the apparatus comprising:

a processor;

tangible computer-readable medium having processor-executable instructions stored thereon that, if executed by processor, cause the processor to perform operations comprising:

providing for display on a user editing system an interactive user interface, the interactive user interface including:

an audio waveform corresponding to digital samples of audio over time;

time information displayed in association with the audio waveform;

a cue insertion interface that enables a user to insert a cue at one or more locations with respect to the audio waveform,

wherein the cue is configured to cause a modification with respect to the abstract visual presentation in synchronization with the audio presentation when the audio presentation is audibly played back, with the abstract visual presentation, via a playback device associated with a viewer of the abstract visual presentation, wherein the viewer playback device is separate from the editing system;

receiving a first signal from a user input device to designate a cue at a first location with respect to the audio waveform; and

storing the designated cue in computer readable memory.

Accordingly, Applicant respectfully requests reconsideration and allowance of Claim 49 and any claims that depend therefrom.

No Disclaimers or Disavowals

Although the present communication may include alterations to the application or claims, or characterizations of claim scope or referenced art, Applicant is not conceding in this application that previously pending claims are not patentable over the cited references. Rather, any alterations or characterizations are being made to facilitate expeditious prosecution of this application. Applicant reserves the right to pursue at a later date any previously pending or other broader or narrower claims that capture any subject matter supported by the present disclosure, including subject matter found to be specifically disclaimed herein or by any prior prosecution. Accordingly, reviewers of this or any parent, child or related prosecution history shall not reasonably infer that Applicant has made any disclaimers or disavowals of any subject matter supported by the present application.

Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

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